

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

RECEIVED

FEB 15 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)
	)
Amendment of Part 90 of the	) PR Docket No. 93-144
Commission's Rules to Facilitate	) RM-8117, RM-8030
Future Development of SMR Systems	) RM-8029
in the 800 MHz Frequency Band	)
	)
Implementation of Sections 3(n) and 322	) GN Docket No. 93-252
of the Communications Act	)
Regulatory Treatment of Mobile Services	)
	)
Implementation of Section 309(j)	) PP Docket No. 93-253
of the Communications Act --	)
Competitive Bidding	)

DOCKET FILE COPY ORIGINAL

**Comments of The Ericsson Corporation**

The Ericsson Corporation (hereinafter "Ericsson"), by its attorney, hereby submits its comments in the *Second Further Notice of Proposed Rule Making*<sup>1</sup> in the above-captioned proceeding. In support of its comments Ericsson states as follows:

**I. Comparable Facilities/Cost Issues**

In the *First Report and Order* portion of the above-captioned proceeding, the Commission adopted rules which require upper channel EA licensees to relocate upper channel incumbent 800 MHz SMR operators under certain circumstances. Furthermore, in those situations the Commission requires EA licensees to provide relocated incumbents

No. of Copies rec'd 079  
List ABCDE

<sup>1</sup> *First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rule Making*, PR Docket No. 93-144, GN Docket No. 93-252, PP Docket No. 93-253, FCC 95-501, \_\_ Rcd \_\_ (released December 15, 1995) (hereinafter "Second Further Notice").

with facilities comparable to those presently in use. For purposes of this proceeding the Commission has tentatively concluded that:

comparable facilities, at a minimum, should provide the same level of service as the incumbents' existing facilities. We propose that by 'comparable facilities,' a relocated incumbent would: (a) receive the same number of channels with the same bandwidth; (b) have its entire system relocated, not just those frequencies desired by a particular EA licensee; and (c) once relocated, have a 40 dBu service contour that encompasses all of the territory covered by the 40 dBu contour of its original system.<sup>2</sup>

Ericsson supports the Commission's tentative conclusion that each of the above-listed criteria must be met in order for an EA licensee to comply with the requirement of providing comparable facilities. However, Ericsson believes the Commission's tentative conclusion does not go far enough to ensure that an incumbent receives useful comparable facilities.

In addition to receiving the same number of equivalent bandwidth channels, having the entire system relocated and having geographic coverage which is at least co-extensive with that of the relocated system, incumbents should specifically be entitled to systems that have features and functionalities at least equivalent to the systems being replaced. Any replacement system should have (1) the same signaling compatibility; (2) the same baud rate; (3) the same access to data on every channel; (4) the same access time; (5) the same number of IDs<sup>3</sup>; (6) the same subscriber feature sets; and (7) the same number of priority levels that existed on the replaced system.

---

<sup>2</sup> *Second Further Notice*, para. 283.

<sup>3</sup> In the SMR context an ID operates similar to the manner in which an ESN operates in a cellular system. Each terminal has a unit ID and a logical ID. The requirement to have the same number of IDs is necessary to ensure that replacement systems have comparable capacity to systems being replaced.

Requiring replacement systems to have the same features and functionalities is especially important for SMR operators since the SMR band has no clearly defined technical standard for use by all licensees. Instead, the SMR band consists of a few proprietary standards offered by different manufacturers. It would be unfair and inequitable to require an incumbent licensee to be forced to use a system with different protocols, features and functionalities even if the new system had the same number of channels and geographic coverage.

In addition, Ericsson asserts that the Commission should clarify that the definition of “comparable facilities” should include a requirement that the EA licensee be responsible for all equipment and labor costs relative to the reprogramming and/or replacing of mobile units required as a result of the relocation process. As numerous parties noted in comments filed in the Refarming proceeding<sup>4</sup>, the costs of retuning and/or replacing equipment are very substantial.

Accordingly, Ericsson submits that the FCC should adopt a rule which “at a minimum” requires a comparable system to (a) contain the same number of channels with the same bandwidth; (b) consist of an entire system not just the frequencies desired by the EA licensee; (c) have the same service contour of the original system; and, (d) have the same functions and features as the original system, including mobile and/or portable units which have been retuned and/or re-programmed at the sole expense of the EA licensee.

---

<sup>4</sup> See, *Generally, Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services*, FCC 95-255, PR Docket No. 92-237, 78 RR 2d 284 (June 23, 1995).

In the *Second Further Notice* the Commission tentatively concludes that an EA licensee has no obligation to replace analog equipment with digital equipment if an analog alternative exists. Incumbents who desire a digital system will be required to bear any additional costs associated with such an upgrade.<sup>5</sup> The Commission's theory in proposing such a rule is that the cost obligation of the EA licensee should be the minimum cost the incumbent would incur if it sought to replace but not upgrade its system. Ericsson is concerned that the language in the *Second Further Notice* suggests that analog-to-analog or digital-to-digital replacements are the only acceptable system replacements.

Over the next few years it may cost less to replace analog equipment with digital equipment than it would cost to replace analog equipment with analog equipment. Accordingly, Ericsson requests that the Commission expressly clarify its policy by acknowledging that replacement of analog equipment with digital equipment is not necessarily an upgrade for which the incumbent is responsible.

Further, Ericsson requests that the Commission clarify its policy by ruling that "replacement cost" of a system be defined in the context of the cost to replace a system at today's costs rather than on the depreciated value of equipment which has already been placed in service. A ruling of the nature requested is equitable under the circumstances, since incumbents are being required to relocate due to FCC mandated rule changes.

## **II. Lower 80 and General Category Channel Issues**

Ericsson supports the Commission's proposed channel plan for the lower 80 channels and the General Category channels.

---

<sup>5</sup> *Second Further Notice*, para. 284.

With respect to the General Category channels, Ericsson agrees that relatively large channel blocks of 120 channels, 20 channels and 10 channels of contiguous spectrum serve the public interest. Given today's technology, wider bandwidth contiguous channels offer licensees greater flexibility to use their spectrum efficiently than do smaller channel blocks. Moreover, wider channel blocks of contiguous spectrum allow the deployment of more technologies which creates a more competitive environment in the equipment marketplace. The Lower 80 channel block, however, does not consist of contiguous spectrum.<sup>6</sup> Accordingly, for practical reasons, Ericsson supports the Commission's tentative conclusion to license the Lower 80 channels in 5 channel blocks.

### **III. Mask Issues**

The Commission does not ask for comment on whether to adopt an emission mask for the Lower 80 or General Category channels. Notwithstanding the foregoing, Ericsson asserts that the mask rule set forth in Section 90.691 should be available for use by any Part 90 system which operates on a CMRS basis. Given that the Commission is supportive of Part 90 licensees aggregating spectrum and/or geographically partitioning EA license areas, non-EA licensees may well be authorized to use some or all of the spectrum in some or all of the EA areas. Thus to ensure that the Section 90.691 mask is made available for use by all Part 90 CMRS providers, the Commission's rules should be

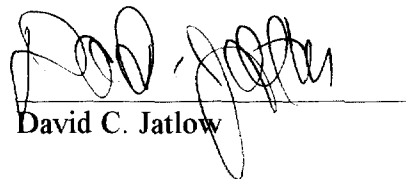
---

<sup>6</sup> The Lower 80 channels are allocated in 5 channel blocks of non-contiguous spectrum. They can, and are, however capable of being aggregated into blocks of contiguous channels.

amended accordingly. Adoption of such a rule will also provide all Part 90 CMRS licensees the ability to use their allocated spectrum in the most flexible manner possible.

Respectfully submitted,

The Ericsson Corporation

A handwritten signature in black ink, appearing to read "David C. Jatlow", is written over a horizontal line. The signature is stylized and cursive.

David C. Jatlow

Young & Jatlow  
Suite 600  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-9080

February 15, 1996